

OGC HAS

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REVIEWED

17 September 1959

MEMORANDUM FOR: Deputy Chief, Fiscal Division

SUBJECT: Transportation of Privately Owned Automobile

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1. We regret the unintended delay in this reply to your memorandum of 14 April 1959. This request deals with the claim of [REDACTED]. The facts recited indicate that [REDACTED] transferred from [REDACTED] to Washington, D. C. in August 1958. On 29 October 1958, Mr. [REDACTED] went to New York where he picked up his privately owned automobile and drove it to Washington. Transportation of the automobile from New York to Washington was authorized in the PCS travel order. You have raised two questions:

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1. Is annual leave chargeable to [REDACTED] for the time he was absent from duty in connection with picking up the automobile?

2. What is the basis for reimbursement of expenses incurred?

2. The essential problem underlying these questions is whether an employee is in a travel status by virtue of his being utilized to transport his own vehicle. In our opinion he is not. While on such an errand an employee cannot properly be considered as absent from his official post of duty for the purpose of attending to official business elsewhere. Although the transportation of the vehicle from a port to his post of duty may be properly authorized, and the expenses therefor paid by the Government, the use of the employee-owner of the automobile instead of a readily available commercial facility for such transportation must be considered as substantially for the personal convenience of the employee. We, therefore, hold in answer to your first question that absence from a post of duty under these circumstances is properly chargeable to annual leave. It follows, in reply to your second question, that the employee not being in a travel status cannot be reimbursed on the basis of per diem, mileage, etc., authorized for travel. Nevertheless, the authority to transport the vehicle at Government expense in our opinion provides a sound basis for reimbursing such an employee for the actual travel expenses incurred in transporting his automobile, including the cost of the deadhead trip by commercial carrier.

3. It can be seen that there is a certain advantage to the Government in having the employee himself undertake the transportation of his automobile to or from a port. There may be side issues of customs, claims against carriers, etc., which if handled on the spot by the traveler himself could save the Government (the Agency) considerable inconvenience. In view of this, we would concur in a submission to the Comptroller General which, if approved, would allow the Agency to institute a general program, explicitly set forth by regulation, permitting employees to transport their vehicles without charge to leave and on a reimbursement basis more favorable to the employee than that of actual expenses.

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Office of General Counsel

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cc: Director of Logistics
Attn: 